

REMARKS

Upon entry of this Amendment, claims 11-21 remain pending and under current examination. For the reasons presented herein, Applicant traverses the rejection set forth in the Office Action¹, wherein the Examiner took the following actions:

(a) rejected claims 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by Galtarossa et al., *POTDR Techniques for Measurement of Fiber Birefringence Properties* (cited by Applicant) ("Galtarossa"); and

(b) allowed claims 11-18.

Rejection of Claims 19 and 20 under 35 U.S.C. § 102(b):

Applicant requests reconsideration and withdrawal of the rejection of claims 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by Galtarossa. In order to establish anticipation under 35 U.S.C. § 102, the Examiner must show that each and every element as set forth in the claim is found, either expressly or inherently described, in Galtarossa. See M.P.E.P. § 2131.

In this rejection, the Examiner essentially disregarded the elements of independent claim 19 appearing after the words "adapted to" because she alleges that this language "does not constitute a limitation in any patentable sense." Office Action, pp. 2-3. Therefore, it appears that the Examiner does not give any patentable weight to the elements of claim 19 reciting what the claimed data processor is adapted to do. It also appears that the Examiner is alleging that these claim limitations are indefinite (or can essentially be disregarded) and not that they are particularly disclosed by Galtarossa.

In response to this rejection, and without conceding to the Examiner's arguments, Applicant has amended claim 19 to more positively recite the steps which the claimed data

¹ The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

processor performs. Applicant therefore submits that Galtarossa does not disclose each and every element of Applicant's claimed invention. Specifically, Galtarossa does not disclose or suggest at least Applicant's claimed:

...data processor for processing the SOP spatial function,
wherein the data processor provides in output:
a further spatial function related to the spatial first derivative of at least one of said components of the SOP spatial function;
a spatial periodicity of said further spatial function; and
said characteristic spin parameters as a function of said spatial periodicity. (Claim 19, emphasis added.)

Since Galtarossa does not disclose each and every element of independent claim 19, Galtarossa does not anticipate claim 19 under 35 U.S.C. § 102(b). Therefore, claim 19 should be allowable over Galtarossa. Dependent claim 20 should be allowable at least by virtue of its dependence from base claim 19. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 19 and 20.

Allowed Claims 11-18 and New Claim 21:

Applicant acknowledges with appreciation the Examiner's indication that claims 11-18 are allowed. For the foregoing reasons demonstrating the allowability of all the pending claims over the rejection of record, and in view of the allowance of method claims 11-18, Applicant submits that new apparatus claim 21 is also allowable.

Conclusion:

Applicant requests reconsideration of the application and withdrawal of the rejection. Pending claims 11-21 are in condition for allowance, and Applicant requests a favorable action.

If there are any remaining issues or misunderstandings, Applicant requests the Examiner telephone the undersigned representative to discuss them.

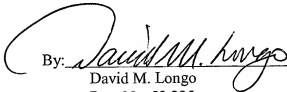
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: January 7, 2008

By:


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